

Attorney Docket No.: F7649(V)
Serial No.: 10/519,657
Filed: December 22, 2004
Confirmation No.: 9203

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.137(b)
TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

Sir:

Applicants submit this Petition to the Commissioner under 37 C.F.R. 1.137(b) for revival of the above-identified application which became abandoned for failure to reply to the Office Action dated April 7, 2008. If required, please deduct from Deposit Account No. 12-1155 a fee for a three month extension of time which would have been required to extend the period of time for responding to the April 7, 2008 Office Action from July 7, 2008 to October 7, 2008.

Please deduct One Thousand, Five Hundred and Forty Dollars (\$1,540.00) from Deposit Account No. 12-1155 for filing a petition to revive.

On April 21, 2008, applicants' attorney filed an Information Disclosure statement via EFS. The EFS receipt for this submittal was processed by our Office Manager (Linda M. Horvath), who unintentionally entered the IDS submission as if it were a reply to the outstanding Office Action. As the consequence of this mistaken entry, the attorney's due date docket no longer listed the due date for the response to the Office Action. Please see the supporting Declaration by Linda M. Horvath.

The subject application was abandoned when applicants failed to send in the response to the Office Action. This abandonment was unintentional since it was applicants' attorney's intention to submit the Response to the Office Action. It was clearly not applicants' nor applicants' attorney's intention to fail to submit the response to the outstanding Office Action.

Attorney Docket No.: F7649(V)
Serial No.: 10/519,657
Filed: December 22, 2004
Confirmation No.: 9203

The failure to submit the response only recently come to applicants' attorney's attention upon the receipt of unexpected Notice of Abandonment.

As indicated by the foregoing remarks, applicants did not intend to abandon the subject application. The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.


In accordance with 37 C.F.R. § 1.137(b):

- (1) Applicants again state that abandonment of the application was unintentional and the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.
- (2) a proposed Amendment and Response to the Office Action dated April 7, 2008 and Supplemental Information Disclosure are being filed at this time; and
- (3) authorization has been given to pay the petition fee set forth in § 1.17(m).

Since applicants have complied with all the requirements set forth in the rules, applicants respectfully request that the subject application be revived.

If any fees, other than the petition fee are deemed necessary in connection with filing of this petition, authorization is hereby given to charge the amount of such fee to Deposit Account No. 1201155.

Respectfully submitted,


Rimma Mitelman
Registration No. 34,396
Agent for Applicant(s)

RM/sa
(201)894-2671

Attorney Docket No.: F7649(V)
Serial No.: 29/247,372
Filed: June 14, 2006
Confirmation No.: 7053

DECLARATION

Sir:

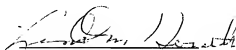
I, Linda M. Horvath, residing at of 44 Heuer Street, Little Ferry, New Jersey 07643 declare as follows:

1. I am a citizen of the United States.
2. I am employed by Unilever United States, Inc., in the Patent Group. My title is Manager, Patent Administration. Our Group handles patent prosecution and other patent related work for Unilever Bestfoods, Conopco, Inc. to whom the above-identified application is assigned.
3. I know that the Patent Office has mailed a Notice of Abandonment in the above-identified application.
4. I remember and I have a record (attached) of processing the Submission of the Information Disclosure Statement submitted on 21 April 2008 to the Patent Office. I entered this submission into our internal docketing system. I believe that I mistakenly checked off that the Response was submitted to the outstanding Office Action dated April 7, 2008 instead of processing it as an IDS submission. Once the response is checked off as "taken", the corresponding action will not come up on the docket of due dates for an attorney. Consequently, the due date of the Office Action dated April 7, 2008 did not appear on the attorney's docket. The mistake was realized when the Notice of Abandonment was received by our Patent Group.

Attorney Docket No.: F7649(V)
Serial No.: 29/247,372
Filed: June 14, 2006
Confirmation No.: 7053

5. My mistake was unintentional and it did not reflect anyone's intention to not respond to an outstanding Office Action.
6. I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or of any patent issuing thereon.


1/15/09
Date


Linda M. Horvath

Electronic Acknowledgement Receipt

EFS ID:	3184132
Application Number:	10519657
International Application Number:	
Confirmation Number:	9203
Title of Invention:	Satiety inducing composition
First Named Inventor/Applicant Name:	Cinderella Christina Gerhardt
Customer Number:	201
Filer:	Milton L. Honig/Marypat Kieselbach
Filer Authorized By:	Milton L. Honig
Attorney Docket Number:	F7649(V)
Receipt Date:	21-APR-2008
Filing Date:	22-DEC-2004
Time Stamp:	16:32:20
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180 
RAM confirmation Number	1907
Deposit Account	121155
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement Letter	F7649-IDS042108.pdf	83982 c6362bc4-b927b30636-abbcd090496a0910d	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Filed	F7649-PTO1449042108.pdf	84270 c27f9c8f5691c29fcb140c4d9e94c2b1c675351	no	1
---	--	-------------------------	--	----	---

Warnings:

Information:

This is not an USPTO supplied IDS fillable form

3	Foreign Reference	F7649-Foreign.pdf	6668742 07b44493304e931f13a2384c0c3b3b0d55691bc9	no	126
---	-------------------	-------------------	---	----	-----

Warnings:

Information:

4	Fee Worksheet (PTO-06)	fee-info.pdf	8193 564591e9643c25e7a7c2ee9b032892f120626a	no	2
---	------------------------	--------------	--	----	---

Warnings:

Information:

Total Files Size (in bytes):

6845187